

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DIRECTV, Inc.)	Case No.: 03cv12288 RWZ
)	
Plaintiff)	AFFIDAVIT OF ATTORNEY FOR
)	PLAINTIFF'S REQUEST FOR DEFAULT
vs.)	
)	
Robert Viera)	
)	
Defendant)	

Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action, and, on oath, states the following:

1. On November 17, 2003, the Plaintiff filed a Complaint against the Defendant, **Robert Viera**, in United States District Court, alleging violations of 47 U.S.C. § 605 and violations of 18 U.S.C § 2511.
2. On February 7, 2004, the said Defendant was served by leaving the pertinent documentation at the **last and usual** place of abode of the Defendant by a person who is not a party to this action (see copy of Return of Service marked **Exhibit A**, attached hereto, and made a part hereof).
3. Pursuant to the provisions of Rule 12 of the Federal Rules of Civil Procedure, the Defendant had twenty days after being served with the summons and complaint within which to serve an answer to Plaintiff's Complaint.
4. To date, the Defendant has failed and neglected to file an answer to Plaintiff's Complaint or to otherwise defend against Plaintiff's claims.
5. I have filed herewith a Request for Entry of Default, seeking that a Notice of Default be entered by this Court.

6. I have also filed herewith Form of Order entitled Notice of Default, for the Court's use if it shall determine that the said Defendant is in default.

Subscribed and sworn to, under the pains and penalties of perjury.

Respectfully Submitted for the Plaintiff,
DIRECTV, INC.
By Its Attorney,

3/1/04
Date

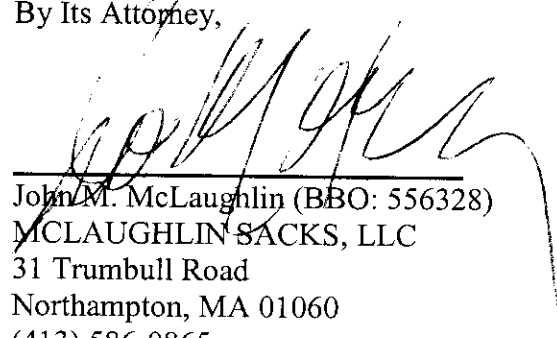

John M. McLaughlin (BBO: 556328)
MCLAUGHLIN SACKS, LLC
31 Trumbull Road
Northampton, MA 01060
(413) 586-0865

EXHIBIT A

AO 440 (Rev. 10/93) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

DIRECTV, Inc.

v.

Robert Viera

SUMMONS IN A CIVIL CASE

03 CV 12288 RWZ

CASE NUMBER:

TO: (Name and address of Defendant)

Robert Viera
35 Longmeadow Road
Taunton, MA 02780

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John M. McLaughlin
McLaughlin Sacks, LLC
31 Trumbull Road
Northampton, MA 01060

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.



TONY ANASTAS
CLERK

(By) DEPUTY CLERK

NOV 17 2003

DATE



Bristol County Deputy Sheriffs' Office • P.O. Box 8928 • New Bedford, MA 02742-0928 • (508) 992-6631
Bristol, ss.

February 9, 2004

I hereby certify and return that on 2/7/2004 at 11:36 am I served a true and attested copy of the Summons and Complaint, CA Cover Sheet, Case Cover Sheet, Corporate Disclosure in this action in the following manner: To wit, by leaving at the last and usual place of abode of Robert Viera, 35 Longmeadow Road Taunton, MA 02780 and by mailing first class mail to the above-mentioned address on 2/7/2004. Copies (\$4.00), Conveyance (\$3.75), Travel (\$17.60), Basic Service Fee (\$20.00), Postage and Handling (\$3.25), Attest Fee (\$10.00) Total Charges \$58.60

Deputy Sheriff Richard W. Hinkley

[Signature]
 Deputy Sheriff

☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____

Date

Signature of Server

Address of Server